From: California Supreme Ct - Justia Daily Opinion Summaries
To: Kutches, Brandon (SHF)
Subject: Latest 2 Cases: FilmOn.com Inc. v. DoubleVerify Inc. (Business Law), Black Sky Capital, LLC v. Cobb (Real Estate & Property Law)
Date: Tuesday, May 07, 2019 6:00:51 AM

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Justia Daily Opinion Summaries

Supreme Court of California
May 7, 2019

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Legal Analysis and Commentary

Mulling It Over: Nine Choices Robert Mueller Made (And One He Left for Us)
DEAN FALVY

verdict post

Dean Falvy, a lecturer at the University of Washington School of Law, comments on Special Counsel Robert Mueller's report on the Trump-Russia affair. Falvy points out nine deliberate choices Mueller made in conducting the investigation and drafting the report and highlights one choice Mueller notably deferred to the people.

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Supreme Court of California Opinions

FilmOn.com Inc. v. DoubleVerify Inc.

Docket: S244157
Opinion Date: May 6, 2019

Judge: Cuellar
Areas of Law: Business Law, Constitutional Law

In this case involving application of the "catchall" provision of the anti-SLAPP statute, Cal. Code Civ. Proc. 425.16, the Supreme Court held (1) the context of a defendant's statement is relevant, though not dispositive, in analyzing whether the statement was made "in furtherance of" free speech "in connection with" a public issue; and (2) Defendant's confidential reports to its paying clients, which were generated for profit and exchanged confidentially, did not qualify for anti-SLAPP protection under the catchall provision. Plaintiff, a for-profit business entity that distributes web-based entertainment programming, sued Defendant, a for-profit business entity that offers online trafficking and brand safety services to Internet advertisers, alleging that Defendant disparaged its digital distribution network in confidential reports to its paying clients. Defendant filed an anti-SLAPP motion to strike. The court of appeal ruled that Defendant's reports were protected under the anti-SLAPP statute and that context was irrelevant to the anti-SLAPP analysis under subdivision (e)(4). The Supreme Court reversed, holding (1) even where the topic discussed in Defendant's reports was one of public interest the reports did not qualify for anti-SLAPP protection under the catchall provision because Defendant did not issue the reports in furtherance of free speech "in connection with" an issue of public interest.

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Black Sky Capital, LLC v. Cobb

Docket: S243294
Opinion Date: May 6, 2019
Judge: Goodwin Liu
Areas of Law: Real Estate & Property Law

In this real property dispute, the Supreme Court held that Cal. Code Civ. Proc. 580d does not preclude a creditor holding two deeds of trust on the same property from recovering a deficiency judgment on the junior lien extinguished by a nonjudicial foreclosure sale on the senior. In two separate transactions, Defendants borrowed sums of money by executing promissory notes secured by deeds of trust on the same parcel of commercial property.

Plaintiff eventually acquired both loans and then purchased the property at a public auction. Plaintiff filed a lawsuit to recover the amount still owed on the second deed of trust extinguished by the foreclosure sale. The trial court concluded that section 580d barred the monetary judgment sought by Plaintiff. The court of appeal reversed, concluding that section 580d did not apply to preclude Plaintiff from suing for the balance due on the junior note in this case. The Supreme Court affirmed, holding that section 580d does not bar a deficiency judgment on a junior lien held by a senior lien holder that sold the property comprising the security for both liens.

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